

NIH TRAVEL POLICY

1500-12-00 Travel for Consultants, Experts, Private Citizens, and Foreign Visitors

A. General. This chapter describes the policies and procedures for authorization and approval of official Government travel conducted by consultants, experts, private citizens, and foreign visitors. Section 12-01 applies to, 1) consultants and experts who are appointed to service as described below in Section “B”, and; 2) other individuals, who are serving without pay or at \$1 a year. Both groupings meet the FTR definition of employee as an “Invitational Traveler” (See FTR 300-3.1). Section 12-02 addresses foreign visitors and private citizens receiving compensation in the form of an honorarium or fee for service.

NOTE: This chapter does not cover travel of foreign nationals that takes place entirely outside of the United States. In this scenario, immigration laws do not apply.

B. Delegations of Authority. Delegations of authority for travel by an “Invitational Traveler” are the same as those for employees (See NIH Manual Issuance 1130, Travel Nos. 1-17).

1500-12-01 Travel for Consultants, Experts, Private Citizens, and Foreign Visitors Not Receiving an Honorarium or Fee for Service

A. Definitions.

1) Intermittent Consultant or Expert. An individual who is employed occasionally or irregularly for not more than 130 days in a service year. If an intermittent consultant or expert serves for all or any part of a day beyond the 130-day service year, the appointment ceases to be intermittent and becomes temporary. Intermittent consultants or experts are designated either “WAE” (when actually employed) or “WOC” (without compensation, or at one dollar per year).

2) Temporary Consultant or Expert. An individual employed on a regular full-time basis for one year or less, but for more than 130 days in a service year.

3) Contract Consultant. A consultant whose services are procured by formal contract.

4) Private Citizen. A person not appointed as a consultant or expert who is requested by NIH officials to confer on Government business. This individual resides within the U.S. This person is only receiving compensation for their transportation and travel related expenses, e.g., per diem.

5) Foreign Visitor. A person not appointed as a consultant or expert who is requested by NIH officials to confer on Government business. This individual resides at an overseas

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location and is only receiving compensation for their transportation and travel related expenses, e.g., per diem. Appropriate entry (immigration status) into the United States is required.

B. Policy.

1) Employed Intermittent consultants and experts may be allowed travel expenses and per diem allowances, while serving NIH away from their homes or places of regular non-government employment.

2) Employed Temporary consultants and experts may be allowed travel expenses and per diem allowances only while traveling on official business away from their designated posts of duty.

3) Contract consultants must bear all expenses, as provided by the terms of their contracts. Reimbursement of travel expenses is not allowed unless specifically authorized in the contract.

NOTE: Under GSA's October 1, 1998 contract for air passenger transportation, contract consultants are **not** eligible for Government City-Pair fares. Travel Orders should **not** be issued (a Purchase Order should be used) **nor** should contractor travel be transacted via the Government Travel Account (GTA) at the Government rate.

4) Private citizens may be allowed travel expenses and per diem allowances for invitational travel to conferences, meetings, consultations, or other activities, but only if they are performing a direct service, i.e., making a presentation, advising in an area of expertise, etc., for the NIH.

5) Foreign visitors may be allowed travel expenses and per diem allowances for invitational travel to conferences, meetings, consultations, or other activities, but only if they are performing a direct service, i.e., making a presentation, advising in an area of expertise, etc., for the NIH. In addition, the individual must be in an immigration status, e.g., B-1, that allows for such reimbursement.

C. Procedures. Travel allowances, except per diem (See Section "E" below), are essentially the same for consultants, experts, private citizens, and foreign visitors as they are for civilian employees of the NIH and are paid in accordance with the FTR Chapter 301, Appendix A, and the provisions of the HHS Travel Manual and the NIH Manual 1500 "Travel Policies and Procedures".

1) Consultants and experts as defined in **B (1)** and **(2)** above may be authorized to travel at

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the NIH's expense through the preparation of the HHS-1 Travel Authorization via the automated travel system. The IC authorizing the consultant/expert to travel on official business, initiates and prepares the Travel Authorization and obtains the appropriate signatures.

2) Private citizens and foreign visitors may be authorized to travel at the NIH's expense through the same procedures outlined in **C (1)** above. The Travel Authorization should be annotated to clearly detail the purpose of the trip and the provisions for reimbursement.

NOTE: Private citizens and foreign visitors should be assisted in making their travel arrangements through the nearest Travel Management Center (TMC). Foreign Visitors must be advised against making their own reservations which may result in the unauthorized use of a Foreign Flag Air Carrier. The TMC will make every effort to secure their ticket on a U.S. Flag Air Carrier. If a U.S. Flag Air Carrier cannot be used, the NIH Form 2684 "Approval for Use of Foreign Flag Air Carrier" must be properly completed and signed. Foreign Visitors should also be advised as to the correct visa to use to enter the United States. (For a copy of NIH Form 2684, see <http://forms.nih.gov/adobe/travel/nh2684.pdf>)

D. Travel Advances.

1) Consultants and Experts as defined in **B(1)** and **(2)** above may be authorized an advance of funds for travel expenses expected to be incurred, in line with NIH policies and procedures (See NIH Manual 1500, Chapter 05-00).

2) Private citizens and foreign visitors may **not** be authorized to receive a travel advance. They will incur the expenses and submit vouchers for reimbursement.

NOTE: In cases where the individual cannot afford to pay for certain travel related expenses, the appropriate delegated official may authorize an advance of funds to cover only those necessary expenses. Airfare should be procured for the invitee via the Government Travel Account.

E. Per Diem Allowances. Unless higher rates are provided in specific appropriations or other acts, consultants, experts, private citizens, and foreign visitors traveling on official business will be authorized a per diem allowance on the lodging-plus basis at rates no higher than the maximum rates specified for general travel.

Consultants, experts, private citizens, and foreign visitors may be reimbursed for actual and necessary subsistence expenses or for a conference lodging allowance for specific trip assignments, **subject to NIH policies and procedures** (See NIH Manual 1500 Chapter 04-06 and 04-09, respectively).

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F. Travel and Transportation Reform Act of 1998 Requirements.

1) Mandatory Use of the Travel Card. Consultants, Experts, Private citizens, and Foreign visitors are **not** eligible for a Government-issued Travel Card and therefore are exempted from mandatory use of the travel card for official travel related expenses (See NIH Manual 1500, Chapter 15-02).

2) Voucher Reimbursement. Consultants, Experts, Private citizens, and Foreign visitors will be reimbursed an interest penalty payment and equivalent fee, if applicable, in connection with proper submission of a Travel Voucher claim (See NIH Manual 1500 Chapter 15-02).

G. Preparation and Routing of Documents.

1) Travel Authorizations for consultants, experts, and private citizens will be processed through the automated travel system in the same manner as they are processed for civilian employees. (See <http://www.my.nih.gov> pending availability.)

2) Travel Authorizations for periods of more than one month **may not** be issued to consultants or experts.

3) For auditing purposes, each Travel Authorization processed for a consultant or expert **must** include a copy of the consulting agreement or other documentary evidence in the IC's official travel files.

4) For auditing purposes, each Travel Authorization processed for an intermittent consultant or expert **must** bear a statement of the cumulative number of days worked by that individual through the end of the previous month.

1500-12-02 Travel of Foreign Visitors and Private Citizens Receiving an Honorarium or Fee for Service

A. General. This section describes the policies and procedures for authorization and approval of official Government travel and honoraria expenses for foreign visitors and private citizens who are performing a direct service. Section "C" below applies to foreign visitors who are conducting academic activities under a B-1 visa or visa waiver program. Section "D" applies to foreign visitors who are performing a service under another type of visa program, e.g., J1, F1, etc. The procedures in Section "E" are applicable for all such travel by foreign visitors and private

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citizens.

B. Delegations of Authority. Delegations of authority for Honoraria compensation can be referenced at NIH Manual Issuance 1130, Acquisition No. 5 “Rates of Compensation (Honoraria) Under Professional Service Orders”. NIH procurement guidelines provide that travel conducted via a procurement mechanism will be authorized and approved in the same manner as travel conducted via a Travel Authorization (See NIH Manual Issuance 1130, Delegations of Authority, Travel Nos. 1-17.)

<http://www1.od.nih.gov/oma/manualchapters/>

C. Special Policy for Foreign Visitors Conducting Academic Activities Under a B-1 Visa or Visa Waiver Program. In line with 8 U.S.C. 1182, under the American Competitiveness and Workforce Improvement Act (ACWIA) of 1998, reimbursement of travel and related expenses may be authorized for an invited foreign visitor without stipulations, as long as all of the visa requirements are met. Honoraria paid under a procurement mechanism must be in compliance with NIH Manual 1130, Delegations of Authority, Acquisition No. 5. However, reimbursement of such honoraria expenses to foreign visitors under a “B-1” visa may only be authorized when the following conditions are met:

- 1) The academic activities of the foreign visitor for which an honorarium or fee for service payment can be authorized, are to last no more than nine days at a single organization;
- 2) The payment is offered by an institute of higher education, a related or affiliated nonprofit entity, a non-profit research organization, or a Governmental research organization;
- 3) The honorarium is for services conducted for the benefit of the IC; and
- 4) The foreign visitor has not accepted such travel reimbursements or honoraria payments from more than five institutions or organizations over the course of the last six months.

NOTE: Under the ACWIA, “Academic activities” are to be defined by the Attorney General in consultation with the Department of Education. In the Act however, there is no clear cut definition. Therefore, the NIH will consider these activities to include lectures, seminars, the teaching of classes, and attendance at workshops for the purpose of exchanging scientific information. Other activities will be examined on a case-by-case basis by the appropriate delegated official.

D. Policy for Foreign Visitors Conducting Academic Activities Under Another Type of Visa Program. Foreign visitors conducting official travel under another type of visa program, e.g., J1, F1, etc. must contact the ORS/Division of International Services for information regarding

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provisos or stipulations of the applicable visa program (phone 301-496-6166).

E. Procedures for All Foreign Visitors and Private Citizens. Once an invitee receives an honorarium or fee for service, they are not to be placed on a Travel Authorization as an “Invitational Traveler”. Instead, their travel and per diem must be prepared via the automated procurement system via one of the following mechanisms:

- 1) A Professional Services Order (PSO), if the order is for an amount that is under \$3,000;
- 2) A Purchase Order (PO) if the amount is over \$3,000 but less than \$100,000, or;
- 3) A Contract when the amount is over \$100,000.

NOTE: In line with specific Internal Revenue Service requirements, the Federal Acquisition Regulation and NIH internal financial policy, the splitting of the compensated services into two different mechanisms, i.e., a PSO for the honorarium expenses and a PO for the transportation and per diem; or a PSO for the honorarium and a Travel Authorization for the transportation and per diem, is strictly prohibited.

The IC that is authorizing the travel of the foreign visitor or private citizen initiates and prepares the PSO, Purchase Order, or Contract accordingly, and obtains the appropriate signatures. **When any of these procurement mechanisms is used, each applicable line item for services performed must receive the appropriate subobject class identifier.**

Travel allowances for private citizens and foreign visitors conducting travel for the NIH under a procurement mechanism should be established in accordance with the FTR Chapter 301, Appendix A, and the provisions of the HHS Travel Manual and NIH Manual 1500 Travel Policies and Procedures. Similar to “Invitational Travelers” in Section 12-01 above, private citizens and foreign visitors may be authorized actual and necessary subsistence expenses or a conference lodging allowance.

Should you have questions with respect to the various procurement mechanisms referenced above, please contact your IC Procurement Official. (See http://oamp.od.nih.gov/chief_cos1.html)

Individuals traveling on behalf of the NIH as outlined in Section 12-02 are **not** eligible for contract city-pair airfares nor are they eligible for a Government-issued Travel Card.

1500-12-03 Enrollment in the NIH Vendor File for Reimbursement. Private citizens, as described in this manual chapter are to be enrolled to accept electronic funds transfer payment for services rendered. Foreign visitors who have established U.S. bank accounts should also be

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enrolled to accept electronic funds transfer payment for services rendered. Other foreign visitors will be reimbursed via a draft check issued by the OFM Cashiers Office. For additional information, you can reference NIH Manual 1500, Appendix 3 “Travel Reimbursement by Direct Deposit” at the following web site address:

<http://www1.od.nih.gov/oma/manualchapters/management/1500/>

1500-12-04 Internal Revenue Service Requirements. In accordance with the Federal Tax Regulations, Title 26, Code Section 1.6041.1, the Office of Financial Management is required to report to the Internal Revenue Service all salaries, wages, commissions, fees, reimbursements for per diem and travel expenses, and other forms of compensation for services rendered aggregating \$600 or more during a calendar year. This benchmark applies to private citizens. The OFM must report all such payments made to foreign visitors regardless of the dollar threshold.